

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

In the Matter of:

AUDIO VISUAL SERVICES GROUP, INC.,  
D/B/A PSAV PRESENTATION SERVICES

and

INTERNATIONAL ALLIANCE OF  
THEATRICAL STAGE EMPLOYEES,  
LOCAL 15

Case No. 19-CA-167454

**CHARGING PARTY’S RESPONSE TO NOTICE TO SHOW CAUSE REGARDING  
SUMMARY JUDGMENT**

**I. INTRODUCTION**

The Charging Party, the International Alliance of Theatrical Stage Employees, Local 15 (hereafter, “Local 15”), submits this brief in response to the Board’s November 9, 2016, Order Transferring Proceeding to the Board and Notice to Show Cause. For the reasons that follow, Local 15 requests that the Respondent Audio Visual Services Group, Inc. d/b/a PSAV Presentation Services’ (hereafter, “PSAV’s”) motion for summary judgment be denied and that the Board instead grant summary judgment in favor of the General Counsel.

**II. BACKGROUND**

The facts in this matter are not disputed and are detailed in the parties’ Joint Motion and Stipulation of Facts and supporting documents submitted to the Division of Judges on October 13, 2016. In sum, in October 2016, Local 15 filed a petition in Case No. 19-RC-161471 seeking to represent certain PSAV “tech” employees at its facilities in Seattle, Sea-Tac, Bellevue,

Tukwila, and Tacoma, Washington.<sup>1</sup> On October 23, 2015, Region 19 Regional Director Ronald K. Hooks issued a Decision and Direction of Election (“D&DE”) in that case, finding that the bargaining unit constituted an appropriate unit for the purposes of collective bargaining and ordering that an election occur. An election ensued, in which a majority of votes were cast in favor of representation by Local 15; however, a determinative number of ballots were challenged after the initial tally.

On December 18, 2015, the Region 19 Regional Director issued a Decision on Challenges and Objection and Certification of Representative (“DCO&CR”) in Case No. 19-RC-161471, resolving challenges in the parties’ election, finding that a majority of valid votes were cast in favor of Local 15, and certifying Local 15 as the petitioned-for bargaining unit’s exclusive bargaining representative. Nonetheless, PSAV failed and refused to recognize Local 15 as the employees’ exclusive bargaining representative and refused to heed Local 15’s requests to bargain until the Board issued a ruling denying PSAV’s combined request for review of the Regional Director’s D&DE and DCO&CR. The Board’s ruling issued on May 19, 2013, and on May 23, 2016, PSAV ultimately consented to recognize and bargain with Local 15. Local 15 and PSAV held a first bargaining session on June 23, 2016.

### **III. LEGAL ARGUMENT**

#### **A. PSAV’s Failure To Recognize And Bargain With Local 15, In The Face of Region 19’s Certification Of Local 15 As Exclusive Bargaining Representative, Plainly Violated Sections 8(a)(5) and 8(a)(1) Of The Act.**

Following a Regional Director’s certification of an exclusive bargaining representative, an employer has an obligation to recognize and begin bargaining with such representative upon request. An employer who fails to do so violates Sections 8(a)(5) and 8(a)(1) of the Act. *See*,

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<sup>1</sup> For reference, the bargaining unit petitioned for and certified includes all full-time and regular part-time technicians, including entry-level technicians, senior technicians, lead technicians, driver technicians, concierges, equipment repair QC specialists, technical specialists, and warehouse technicians at such PSAV locations.

*e.g., Rhino Northwest LLC*, 363 NLRB No. 72, slip op. at \*2 (2015). The Board has not recognized any exception to this requirement pending review of a union's certification. *See, e.g., Allstate Ins. Co.*, 234 NLRB 193 (1978), *as supplemented*, 245 NLRB 76 (1979); *Salem Hosp. Corp.*, 357 NLRB No. 119, slip op. at \*1 n.3 (2011); *Cocoanut Grove*, 270 NLRB 345, 347 (1984); *Benchmark Indus., Inc.*, 262 NLRB 247, 248 (1982), *enforced*, 724 F.2d 974 (5th Cir. 1984). PSAV presents no facts or argument that have not been previously considered and rejected by the Board in its body of existing case law on this issue. For example, in *Allstate* the Board considered and expressly rejected the arguments raised by PSAV here and clearly pronounced that "an employer refuses to recognize a certified labor organization at its peril." *Allstate*, 234 NLRB at 193 (emphasis added). Nor has PSAV offered any good reason for the Board to reconsider its prior decisions. Accordingly, PSAV's motion for summary judgment should be denied and judgment should be issued for the General Counsel, finding that PSAV has violated Sections 8(a)(5) and 8(a)(1) of the Act.

**B. The Board Should Issue An Order Requiring PSAV To Bargain In Good Faith With The Union For The Full *Mar-Jac Poultry* Period.**

In light of PSAV's violation of Sections 8(a)(5) and 8(a)(1), Local 15 requests that the Board issue an order requiring PSAV to bargain with Local 15 for a full one-year period commencing on the date of the parties' first bargaining session, as established in *Mar-Jac Poultry Co.*, 136 NLRB 785 (1962). Not only is such an order consistent with long-held Board precedent, but it is also an essential measure to allow tech bargaining unit employees ample time to receive the benefit of their choice to join Local 15. *Id.*; *see also Wang Theatre*, 364 NLRB No. 146 slip op. at \*2 (Nov. 10, 2016) (ordering *Mar-Jac* remedy "[t]o ensure that the employees are accorded the services of their selected bargaining agent for the period provided by law"); *accord, Burnett Construction Co.*, 149 NLRB 1419, 1421 (1964), *enforced*, 350 F.2d 57 (10th

Cir. 1965); *Lamar Hotel*, 140 NLRB 226, 229 (1962), *enforced*, 328 F.2d 600 (5th Cir. 1964),  
*cert. denied*, 379 U.S. 817 (1964).

RESPECTFULLY SUBMITTED this 23rd day of November, 2016.



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Dmitri Iglitzin, WSBA No. 17673  
Katelyn Sypher, WSBA No. 49759  
Schwerin Campbell Barnard Iglitzin & Lavitt LLP  
18 West Mercer St., Suite 400  
Seattle, WA 98119-3971  
(206) 285-2828 (phone)  
(206) 378-4132 (fax)  
*Iglitzin@workerlaw.com*  
*Sypher@workerlaw.com*

## DECLARATION OF SERVICE

I, Jude Bryan, declare under penalty of perjury under the laws of the State of Washington that on this 23rd day of November, 2016, I filed the foregoing Union's Response to Notice to Show Cause with the National Labor Relations Board using the e-filing system, and sent a true and correct copy of the same via email to:

David Shankman  
Michael Willats  
Shankman Leone, P.A.  
707 Franklin Street, 5<sup>th</sup> Floor  
Tampa, FL 33602  
*Dshankman@shankmanleone.com*  
*Mwillats@shankmanleone.com*

SIGNED this 23rd day of November, 2016, in Seattle, Washington.

  
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Jude Bryan, Paralegal